



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,930	01/31/2001	Sara H. Basson	YOR920000739US1	5324

7590 08/18/2006

William E. Lewis
RYAN, MASON & LEWIS, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

LEE, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/774,930	BASSON ET AL.	
	Examiner	Art Unit	
	M. Lee	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29,31-46 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-46, 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-29, 31-46, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beadles et al. (6,005,536) in view of You et al. (5,946,046).

Regarding claim 1, Beadles shows a step of obtaining (824), a step of autonomously processing (825), and a step of providing (826), except the input controller as claimed. In any event, Beadles teaches that the display device can be used to generate captions for television programs (col. 5, lines 32-42). You, from the similar field of endeavor, teaches a remote controller 60 for receiving and displaying closed caption data on a LCD display 57. And at the same time, the remote controller also performs the remote control functions such as channel changes, volume changes, or menu selections. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the television channel selection and caption display features of You into Beadles to perform the well known functions as claimed.

Regarding claims 2 and 3, Beadles states that the portable captioning display device is used for displaying captions to a viewer in an audiovisual presentation such as a in movie or television program (see col. 5, lines 22-26, 39-42).

Regarding claim 4, see col. 5, lines 39-42.

Regarding claims 5-8, the closed caption data in Beadles is obtained from a transcription service (see col. 5, lines col. 5, lines 11-14, and lines 22-42).

Regarding claims 9 and 10, see col. 5, lines 30-31.

Regarding claim 11, see col. 5, line 41.

Regarding claim 12, Beadles states that the captions are obtained from television programs (see col. 5, lines 11-14, and lines 34-42). Although Beadles does not explicitly states a television set for presenting the television images, the television program presenting step 827 clearly meets the television set as claimed because a monitor is needed to present a televised image (note col. 5, lines 24-26, and col. 1, lines 19-25). Beadles further states that the television captioning data is transmitted from television program presenting step to a portable receiver (see col. 5, lines 43-46).

Regarding claim 13, see Figure 1A.

Regarding claim 14, see col. 5, lines 43-46.

Regarding claims 15-28, see corresponding rejections to claim 1-14 as set forth above. The receiver/decoder 824 in Beadles inherently includes at least one processor for processing the received caption data.

Regarding claim 29, see modem as recited in col. 5, line 45.

Regarding claim 31, the automatic speech recognition system 820, coupled with the receiver/decoder 824, inherently includes the microphone as claimed.

Regarding claims 32-48, see corresponding rejections to claims 15-28 as set forth above. In addition, Beadles further shows a closed caption service system (820, 827, 821, 822, 823). The system inherently includes at least one processor.

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2622

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'M. Lee', with a large loop at the start and a long horizontal stroke extending to the right.

M. Lee
Primary Examiner
Art Unit 2622